

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Julia Johnson, James Allen Sanders,)	
Paul Seabury, Matthew Sinclair,)	
Cathy Williams, Kendricks Douglas,)	
Tammy McCall and Barry Alford,)	
Individually and on behalf of the class they seek to represent,)	Civil Action No. 4:11-2607-TLW-KDW
)	
Plaintiffs,)	
)	ORDER
vs.)	
)	
Flakeboard America Limited,)	
)	
Defendant.)	
)	
)	

Plaintiffs instituted this putative class action against Defendant on September 27, 2011 and filed the operative Amended Complaint on November 14, 2011. (Docs. # 1 and # 29). Plaintiffs assert claims of employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended. Id.

The matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Kaymani D. West, III, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that Defendant's Motion to Strike and/or Dismiss Plaintiffs' Class Allegations be denied. (Doc. # 63). Defendant filed objections to the Report to which Plaintiffs replied. (Docs. # 64 and # 66). In conducting its review, the Court therefore applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an

objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, *de novo*, the Report and the Defendant's objections. The Court has undertaken a careful review of the case law cited in the Report and the objections, in particular the recent United States Supreme Court case of Wal-Mart Stores, Inc. v. Dukes, 131 S. Ct. 2451 (2011). The Court has also reviewed the briefing attached to Defendant's Motion for Leave to File additional material in support of its objections (Doc. # 73) as well as the Plaintiffs' response to that filing. (Doc. # 76). Having reviewed the Magistrate's Report as well as the objections thereto and the other filings cited above, the Court hereby **ACCEPTS** the Report. (Doc. # 63). Defendant's Motion to Strike and/or Dismiss Plaintiffs' Class Allegations is **DENIED** at this stage in the litigation. (Doc. # 35). Defendant's prior filing of the same name is terminated as **MOOT**. (Doc. # 6). Finally, Defendant's Motion for Leave to File additional materials is **GRANTED** to the extent of the briefing attached to that motion. (Doc. #73).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

June 15, 2012
Florence, South Carolina